



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

P.O. Drawer 900
Big Stone Gap, Virginia 24219-0900
(276) 523-8100
FAX (276) 523-8148

MEMORANDUM DM 07-03

TO: All Coal Mine Operators

FROM: **Frank A. Linkous**
Frank A. Linkous, Chief Division of Mines

SUBJECT: Approved Senate Bill 1091

DATE: June 25, 2007

Governor Timothy M. Kaine signed Senate Bill 1091 on April 11, 2007, enacting several changes to the Coal Mine Safety Laws of Virginia related to miner certification and mine safety. These changes will become effective July 1, 2007. This memorandum concerns the implementation of those portions of the law relating to substance abuse control in coal mining.

The Department of Mines, Minerals and Energy (DMME) has worked with the Virginia Coal Mine Safety Board and Board of Coal Mining Examiners (BCME) to plan for the implementation of these new standards. DMME staff have planned and organized for the needed administrative controls, training and other resources sufficient to prepare and equip Division of Mines (DM) and BCME personnel to carry out the mandates of the new law.

Beginning the week of June 18, 2007, DM field personnel started meetings with licensed coal mining operations to review law changes. Inspectors and specialists are coordinating with mine operators to meet with all miners on all shifts. During these meetings, copies of the amended portion of the law are distributed and reviewed with each miner. Also, other information related to substance abuse sample collection and testing, and frequently asked questions and answers on these issues are provided to each miner. It is the intent of DMME to make every affected miner fully aware of the new substance abuse control standards for coal miners working in Virginia!

Further, DM personnel are assisting mine operators with requirements for written substance abuse policy and program standards by making available generic plans, and providing other assistance as needed for meeting sampling, testing and reporting requirements imposed by the new law. Copies of required forms for reporting positive screening results and other violations of the mine substance abuse policy and program are also being provided at each mine. Lists of certified drug sampling providers and testing labs are being compiled and will be provided to all operators upon completion.

The DMME recognizes the personal implications of the new substance abuse standards for miners and operators. Suspension of a miner's certification is a serious personal issue. Therefore, it is important that individual rights and confidentiality be carefully considered and protected. The DMME and BCME are committed to administrative principles and practices that will ensure protection of individual rights and confidentiality for miners in issues related to substance abuse control under the new law.

Many questions have arisen related to the new substance abuse control standards and their implementation by DMME. Every effort is being made to provide prompt responses to enable operators and miners to understand and comply with the new law. By July 15, 2007, a follow-up operator's bulletin will be distributed which will include a compiled list of questions and answers resulting from the mine briefings and other contacts. Further, two open industry briefings are tentatively planned for late September or early October jointly with the Virginia Coal Association to address these and other issues related to new state and federal coal mining laws. DMME and the BCME will work with mine operators and miners to implement and achieve compliance with the new substance abuse control standards, taking into consideration the short time frame available for establishing new or amended policies and programs.

Additional information and resources may be found at the DMME and DM website at <http://www.dmme.virginia.gov>.